IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.13454 of 2004

Between:

1. Pathipati Yohan, S/o. Israel,
   R/o. Mudivarthi (V), Vidavalur Mandal, Nellore District.
2. Nettambaka Ragaiah, S/o. Veera Ragaiah,
   R/o. Mudivarthi (V), Vidavalur Mandal, Nellore District.

..... PETITIONERS

AND

1 The District Collector, Nellore District, Nellore.
2 The Joint Collector-cum-Chairman, Screening Committee,
Nellore District, Nellore.
3 The Revenue Divisional Officer, Kavali, Nellore District.
4 The Mandal Revenue Officer, Vidavalur Mandal, Nellore District.
5 The Executive Engineer, Pollution Control Board, A.K. Nagar, Nellore District.
6 Ponnaluri Bujji Reddy, S/o. Sundararami Reddy, Hindu,
R/o. Vidavaluru (V) & (M), Nellore District.
7 Ponnaluri Muralidhar Reddy, S/o. Bujji Reddy, Hindu,
R/o. Vidavaluru (V) & (M), Nellore District.
8 Ponnaluri Purandhar Reddy, S/o. Bujji Reddy, Hindu,
R/o. Vidavaluru (V) & (M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, direction, order or orders more particularly one in the nature of Writ of

Mandamus declaring the action of the respondents 1 to 5 in not taking any action against the respondents 6 to 8 for converting their agricultural lands in Sy.Nos.1100/A to D, 1099, 1101/2, 1115/1-A, 1116/1, 1171/3, 1100/A-2 of Vidavalur Village & Mandal, Nellore District into aquaculture as illegal, arbitrary, mala fide and violative of principles of natural justice and contrary to the judgment of the Hon'ble Supreme Court and as well as the judgment of this Hon'ble Court and consequently direct the respondents 1 to 5 to prevent the respondents 6 to 8 from continuing the aqua-culture in their lands by demolishing the fishponds raised in the above mentioned survey numbers in the interest of justice.

Counsel for the Petitioner: Mr.A.CHANDRAIH NAIDU

Counsel for Respondent Nos.1 to 4: G.P. FOR REVENUE

Counsel for Respondent No.5: Mr. S.V.Bhatt, S.C. for APPCB.

Counsel for Respondent Nos.6 to 8: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Mandal Revenue Officer, Vidavalur, Nellore District, has filed his affidavit dated 22-10-2004 stating that pursuant to the orders passed by this Court, which were received by him on 14-10-2004, Senior Assistant was deputed to collect copies of amendment petition and thereafter survey was held and it was found that respondents 6 to 8 have converted their agricultural lands into aqua farms without prior sanction from the Collector. Accordingly, they were informed that they had to stop their activity forthwith and demolished the ponds on 21-10-2004. It is stated that no aqua culture is in progress in the lands in question.

We take the statement of the Mandal Revenue Officer on record and we close the writ petition with further direction that Mandal Revenue Officer will ensure that no aqua culture will be allowed in the lands in question without obtaining prior permission from the District Collector as envisaged.

Writ petition stands closed accordingly.

_____

(DEVINDER GUPTA, C.J.)

25th October 2004.

_____

(C.V.RAMULU, J.)

ARS

To

1 The District Collector, Nellore District, Nellore.
2 The Joint Collector-cum-Chairman, Screening Committee, Nellore District, Nellore.
3 The Revenue Divisional Officer, Kavali, Nellore District.
4 The Mandal Revenue Officer, Vidavalur Mandal, Nellore District.
5 The Executive Engineer, Pollution Control Board, A.K. Nagar, Nellore District.
6 Two C.Cs. to the Govt. Pleader for Revenue, High Court Bldgs., Hyderabad (OUT).

7. Two C.D. copies.